

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re

RTI HOLDING COMPANY, LLC,
et al.,

Debtors.

Chapter 11
Case Nos. 20-12456-JTD, *et seq.*
Jointly Administered

RUBY TUESDAY, INC.,

Plaintiff,

vs.

434 KING STREET, LLC,

Defendant.

Adversary No. 20-51048-JTD

**DEFENDANT’S MOTION TO DISMISS
COMPLAINT OR FOR MORE DEFINITE STATEMENT**

Defendant 434 King Street LLC (“Defendant”), by its undersigned attorney, hereby moves, pursuant to Fed. R. Civ. P. 12(b)(6), as incorporated by Fed. R. Bankr. P. 7012, for entry of an order dismissing with prejudice the complaint (the “Complaint”), filed by plaintiff Ruby Tuesday, Inc. (“Plaintiff” or the “Debtor”) in the above-captioned adversary proceeding, or, in the alternative, for dismissal of the Complaint with leave to amend by including a more definite statement. In support of this motion, which Defendant also requests be treated as a motion for

summary judgment in accordance with Fed. R. Civ. P. 12(d), Defendant relies upon the Declaration of Theodore Stoney, attached hereto as **Exhibit A**. In further support of this motion, Defendant relies upon the Combined (I) Answering Brief In Opposition To Plaintiff's Motion For Partial Summary Judgment Regarding First Claim For Relief Asserted In Complaint For Declaratory Relief, (Ii) Opening Brief In Support Of Motion To Dismiss Complaint Or For More Definite Statement, And (Iii) Opening Brief In Support Of Motion For Summary Judgment On Counterclaim, filed concurrently herewith and incorporated herein.

WHEREFORE, Defendant requests that this Court enter an order dismissing the Complaint in the form appended hereto, or otherwise dismissing the Complaint or requiring a more definite statement in accordance with an order to be submitted hereafter, and granting Defendant such further relief as this Court deems just and proper.

Dated: January 15, 2021
Wilmington, Delaware

Respectfully submitted,

HILLER LAW, LLC

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